

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JG DA
05 NOV -3 AM 9:38

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISRAEL STALEY,

Defendant.

X
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X
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X
X
X

Cr. No. 03-20277-Ma

ORDER DENYING IRREGULAR MOTION

On November 2, 2004, defendant Israel Staley submitted a pro se motion requesting "conclusive proof that the above original indictment was returned in conformity with the Federal rules of Criminal Procedure Rules 6 (c) and (f)" and contending "failure for the record to conclusively show that the defendant's Indictment was returned in open court must dismiss the above captioned Indictment for lack of subject matter in personam jurisdiction."

Insofar as the motion seeks dismissal of the indictment, dismissal is a pre-trial remedy available under Fed. R. Crim. P. 12. The time for filing such a motion is long since past. Defendant has been convicted and must raise any claims for reversing his conviction on appeal. This case is on appeal before the United States Court of Appeals for the Sixth Circuit, and defendant is represented by counsel in that appeal. This motion

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is therefore improper and is DENIED. The defendant is not to file any further pro se motions in this Court until the appeal is concluded.

IT IS SO ORDERED this 2^d day of November, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 61 in case 2:03-CR-20277 was distributed by fax, mail, or direct printing on November 4, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT